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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/403,011	10/15/1999	MITSURU UESUGI	P18583	6737

7055 7590 12/05/2002

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EXAMINER

WEST, LEWIS G

ART UNIT PAPER NUMBER

2681

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/403,011

Applicant(s)

UESUGI ET AL.

Examiner

Lewis G. West

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,4,5. 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-9, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (US 6,304,562).

Regarding claim 1, Kim discloses a CDMA base station apparatus comprising: first transmission power control means for carrying out transmission power control between a mobile station and base station according to a transmission power control signal mixed into a reception signal; reception quality estimation means for estimating the reception quality of the reception signal; and second transmission power control means for carrying out transmission power control to reduce the transmission power to said communication destination when said estimated reception quality is low. (Column 7 line 8-column 8 line 53)

Regarding claim 2, Kim discloses a CDMA base station apparatus comprising: first transmission power control means for carrying out transmission power control between a mobile station and base station according to a transmission power control signal mixed into a reception signal; reception power measuring means for measuring the reception power of the reception signal; and second transmission power control means for carrying out transmission power control

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to reduce the transmission power to said communication destination when said measured reception power is low. (Column 7 line 8-column 8 line 53)

Regarding claim 4, Kim discloses the CDMA base station apparatus according to claim 1, wherein transmission power control by said first transmission power control means and second transmission power control means is carried out by a single amplifier and at the same time a reduction of transmission power by said second transmission power control means is carried out by adjusting the offset value of said amplifier. (Column 7 line 8-column 8 line 53)

Regarding claim 5, Kim discloses a CDMA base station apparatus, wherein transmission power control is carried out by the CDMA base station apparatus according to claim 1 when a handover takes place. (Column 7 line 8-column 8 line 53)

Regarding claim 6, Kim discloses a CDMA base station apparatus, wherein transmission power is increased only when both a transmission power control signal received from a base station apparatus according to claim 1, the origin of movement when a handover takes place, and a transmission power control signal received from another base station apparatus according to claim 1, the destination of movement contain commands to increase transmission power. (Column 7 line 8-column 8 line 53)

Regarding claim 7, Kim discloses a transmission power control method, wherein first transmission power control is performed according to a transmission power control signal mixed into the reception signal, and if a base station is far from a mobile station, second transmission power control is performed to reduce the transmission power. (Column 7 line 8-column 8 line 53)

Regarding claim 8, Kim discloses the transmission power control method according to claim 7, wherein the distance estimation in the second transmission power control is performed

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by estimating the reception quality of said received uplink signal or downlink signal by an SIR measurer, and if the estimated reception quality is low, the transmission power to the communication destination is reduced. (Column 7 line8-column 8 line 53)

Regarding claim 9, Kim discloses the transmission power control method according to claim 7, wherein the distance estimation in the second transmission power control is performed by measuring the reception power of said received uplink signal or downlink signal, and if the measured reception power is low, the transmission power to the communication destination is reduced. (Column 7 line8-column 8 line 53)

Regarding claim 11, Kim discloses a handover control method, wherein the total amount of transmission power during a handover is suppressed by using the transmission power control method according to claim 7 during the handover. (Column 7 line8-column 8 line 53)

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of Gilhousen (US 5,943,014).

Regarding claim 3, Kim discloses a CDMA base station apparatus comprising: first transmission power control means for carrying out transmission power control between a mobile station and base station according to a transmission power control signal mixed into a reception

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signal; and second transmission power control means for carrying out transmission power control to reduce the transmission power to said communication destination when a measured distance is large. (Column 7 line8-column 8 line 53) Gilhousen discloses measuring a distance between a base station and mobile by using time difference measuring means for measuring a time difference between the reception timing of the reception signal and transmission timing of the transmission signal. (col. 5 line 65-column 6 line 29) Therefore it would have been obvious to use time difference to measure the distance and if the measured time difference is large, the transmission power to the communication destination is reduced as the measurement of distance by a time measurement is known in the art as is demonstrated by Gilhousen, and because velocity is a constant in a radio communications system, the distance is a directly related to time.

Regarding claim 10, Kim discloses the transmission power control method according to claim 7, wherein the distance estimation in the second transmission power control is performed (Column 7 line8-column 8 line 53), but does not expressly disclose using time as a measurement means. Gilhousen discloses measuring the time difference between the reception timing of the reception signal and the transmission timing of the transmission signal in order to determine a distance between base and mobile. (col. 5 line 65-column 6 line 29) Therefore it would have been obvious to use time difference to measure the distance and if the measured time difference is large, the transmission power to the communication destination is reduced as the measurement of distance by a time measurement is known in the art as is demonstrated by Gilhousen, and because velocity is a constant in a radio communications system, the distance is a directly related to time.

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Conclusion

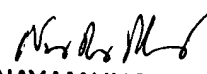
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis G. West whose telephone number is 703-308-9298. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on 703-305-4778. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.



Lewis West
(703) 308-9298
November 27, 2002



NAY MAUNG
PRIMARY EXAMINER